

EXHIBIT G

Susan Sideman - October 27, 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SUSAN SIDEMAN and MARK)
SIDEMAN,)
)
Plaintiffs,)
)
vs.) CIVIL NO. 5:17-CV-00023-OLG
)
FARMERS GROUP, INC., a)
Nevada Corporation,)
)
Defendant.)

ORAL DEPOSITION OF
SUSAN SIDEMAN
October 27, 2017

ORAL DEPOSITION OF SUSAN SIDEMAN, produced as a
witness at the instance of the Defendant, and duly
sworn, was taken in the above-styled and numbered
cause on October 27, 2017, from 9:46 a.m. to
10:55 a.m., before WILLIAM M. FREDERICKS, CSR in and
for the State of Texas, reported by machine shorthand
at the offices of Gravely & Pearson, L.L.P.,
425 Soledad, Suite 600, San Antonio, Texas, pursuant
to the Federal Rules of Civil Procedure.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

MR. JOE K. LONGLEY

Attorney At Law

3305 Northland Drive, Suite 500

Austin, Texas 78731

512.477.4444

joe@joelongley.com

FOR THE DEFENDANT:

MR. JAMES HUGHES

Norton Rose Fulbright US LLP

98 San Jacinto Boulevard, Suite 1100

Austin, Texas 78701

512.474.5201

james.hughes@nortonrosefulbright.com

ALSO PRESENT: Mr. Mark Sideman.

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1 A. Excellent.

2 Q. Okay. Now, this roof was damaged, correct,
3 in a hailstorm, is that right?

4 A. Right.

5 Q. And when did that happen?

6 A. April 2016.

7 Q. And just describe to me, how did you become
8 aware that it was damaged?

9 A. Well, we went through a hellacious hailstorm.
10 It was breaking panes in the skylights. And so we
11 called -- we called a roofing company to come see if
12 we had any damage on it other than the thing, and they
13 told us we had damage.

14 Q. Did you see water coming into the house when
15 that happened?

16 A. Not initially. About a day or two after the
17 storm we started seeing a stain on the ceiling in the
18 dining room, so -- yeah.

19 Q. And do you know, to the best of your
20 knowledge, where that water was coming from, what
21 caused that water to come in?

22 A. Yes. I was told by the roofer who repaired
23 it that the vent that was above the dining room had
24 been knocked by the hail hitting it and it was
25 allowing the water to seep in there, and it bled

1 through to the ceiling.

2 Q. Do you know if water was entering the house
3 through any other opening other than that one?

4 A. Yes. It was coming in in our front foyer
5 where the -- it had broken out a skylight, and it was
6 coming in there. We had to put pails to catch it.

7 Q. And any other places?

8 A. No.

9 Q. So at some point Farmers sent someone to
10 inspect the damage, is that right?

11 A. Correct.

12 Q. And can you describe -- do you recall who
13 that was and when they came?

14 A. It was Sarah Perry, and she came out on the
15 15th I think. I'm not sure. May. May 15th I think
16 she came to the house.

17 Q. And what did she do when she arrived?

18 A. Well, she came with the roofer, and they
19 looked at all the things that we knew were damaged.
20 They looked at the roof, and she assessed the damage.

21 Q. And did she tell you what she thought the
22 damage was at that time?

23 A. She -- I'm not sure that she did that. I
24 can't answer it that she did that at the time.

25 Q. Did she later give you any kind of listing

1 A. I don't -- I don't remember. I probably --
2 is this what they gave me?

3 Q. Well, it was produced to us by your
4 attorneys, but I don't -- I mean --

5 A. Uh-huh.

6 Q. -- I'm just asking if you recognize the --

7 A. I don't remember it. I don't pay attention
8 to these things, this kind of thing here. So...

9 Q. So you've never reviewed this to your
10 recollection?

11 A. I'm going to have to say no. Probably, but
12 no.

13 Q. Okay. That's fine.

14 A. What is this?

15 MR. LONGLEY: No questions. He gets to
16 ask the questions.

17 THE WITNESS: Okay.

18 MR. HUGHES: Yeah, we can all agree on
19 that.

20 MR. LONGLEY: Yeah, we can. It will go
21 a lot faster that way.

22 THE WITNESS: All right. Sorry.

23 MR. LONGLEY: That's okay.

24 Would you like some water?

25 (Discussion off the record.)

1 A. I have no idea.

2 Q. Okay.

3 (Deposition Exhibit 4 marked.)

4 THE REPORTER: Exhibit 4.

5 (Document tendered.)

6 MR. HUGHES: I'll hand you a copy.

7 MR. LONGLEY: Thank you.

8 (Document tendered.)

9 Q. (BY MR. HUGHES) Mrs. Sideman, this is
10 Exhibit 4. This is a document that your attorneys
11 produced to us.

12 Could you turn to the third page, and
13 it's a letter, and could you read the date of the
14 letter.

15 A. September 29th, 2011.

16 Q. Okay. And can you read who the letter is
17 addressed to at the top?

18 A. To the Honorable Eleanor Kitzman.

19 Q. Okay. Of the -- could you read her job title
20 as well, please.

21 A. Commissioner of Insurance.

22 Q. With the Texas Department of Insurance?

23 A. Correct.

24 Q. Okay. Have you ever seen this letter before
25 today?

1 A. No.

2 Q. Okay. And take a moment to look over it.

3 Are you sure you've never seen it before?

4 A. I don't --

5 Q. No?

6 A. I don't think I've read this letter before.

7 Q. Okay. That's fine.

8 A. Is that good enough? Okay.

9 Q. That's all I need to know. Thank you.

10 (Deposition Exhibit 5 marked.)

11 THE REPORTER: Exhibit 5.

12 (Document tendered.)

13 Q. (BY MR. HUGHES) Mrs. Sideman, I've handed
14 you Exhibit 5. Can you look at the first page and
15 just read who this is addressed to.

16 A. Who it's addressed to?

17 Q. Yes, please.

18 A. To Susan Sideman and Mark Sideman.

19 Q. And what's the date on the top?

20 A. 6/5/12.

21 Q. Okay. Do you recall receiving this letter on
22 or about that date?

23 A. I do not.

24 Q. And would you mind turning one sheet over.
25 So look at the page that's Bates numbered PL 0003.

1 A. Uh-huh.

2 Q. Have you ever seen this page before?

3 A. To the best of my knowledge, I have not.

4 Q. Okay. You don't recall this page.

5 Can you read the top right corner, the
6 big bold print.

7 A. Top right corner. This (indicating)?

8 Q. Yes.

9 A. "DECLARATIONS, Homeowners, Replaces all prior
10 Declarations, if any."

11 Q. Okay. Do you know what a declarations page
12 is?

13 A. No idea.

14 Q. Okay. And so you don't recall if you looked
15 at this or read this?

16 A. Do not.

17 Q. Okay. Do you recall if you ever received it?

18 A. Do not.

19 Q. Okay.

20 (Deposition Exhibit 6 marked.)

21 THE REPORTER: Exhibit 6.

22 (Document tendered.)

23 Q. (BY MR. HUGHES) Mrs. Sideman, this is No. 6.
24 If you could look at the first page, and I know it's
25 turned sideways, could you read to me who this is

1 addressed to.

2 A. To Susan and Mark Sideman.

3 Q. And this is Bates number PL 0019.

4 Would you mind turning to the second
5 page. Do you recall ever seeing this page before?

6 A. No, I don't. Well, earlier this week.

7 Q. Okay. And so you've looked at this page
8 earlier this week, but do you recall ever looking at
9 it before then?

10 A. I do not.

11 Q. Okay. Can you read the top right corner in
12 bold again for me.

13 A. "DECLARATIONS, Homeowners, Replaces all prior
14 Declarations, if any."

15 Q. Okay. And can you read the policy period,
16 which is the first small box near the top.

17 A. From 7/27/13 to 7/27/14.

18 Q. Okay. And can you read the title of the
19 policy, the very top line.

20 A. The title. "Farmers Next Generation
21 Homeowners Policy."

22 Q. And so you have no recollection of whether
23 you received this --

24 A. Absolutely none.

25 Q. -- in 2013 or not?

1 MR. LONGLEY: Wait until he finishes his
2 question.

3 THE WITNESS: Sorry. Okay. No.

4 Q. (BY MR. HUGHES) Could you look at the box in
5 the middle of the page that has a little title above
6 it that says "Endorsements," and could you read for me
7 the last of the four entries there starting with the
8 endorsement number.

9 A. "TX184, 1ED, Exclusion Of Marring Of Metal
10 Roof Materials."

11 Q. And before last week, did you ever read that
12 line you just read before?

13 A. I did not.

14 Q. Okay. Mrs. Sideman, would you mind turning
15 to page PL 0043.

16 Do you recall ever seeing this page
17 before?

18 A. I've never seen this page before.

19 Q. Okay. And could you read the title at the
20 top of the page.

21 A. "Exclusion Of Marring Of Metal Roof
22 Materials."

23 Q. Okay. And would you mind reading the number
24 in the top right-hand corner.

25 A. "TX184, Texas 1st Edition."

1 Q. Okay. Do you recall ever receiving this
2 letter?

3 A. No.

4 Q. Have you ever seen this letter before today?

5 A. No.

6 Q. Okay. Would you mind looking at the second
7 page of this letter, which is PL 0023, and would you
8 mind reading for me the second-to-last sentence there
9 right at the end. It's starts with "If you."

10 A. "If you have any questions, please contact
11 your Farmers agent listed on the Declarations page of
12 your policy. Your agent will be happy to review" the
13 "policy and coverages with you."

14 Q. And did you ever read that sentence before
15 today?

16 A. No.

17 Q. Okay. Would you mind turning to page
18 PL 0026, and would you mind just briefly reading again
19 the date and who this is addressed to. I'll try to
20 make this quick.

21 A. 6/4/2013. Susan and Mark Sideman.

22 Q. Okay. Do you recall ever seeing this letter
23 before?

24 A. No.

25 Q. And who is this letter from? There's a name

1 A. No.

2 Q. Okay. Did you have any contact with
3 Mr. Woods about the house in 2014?

4 A. No.

5 Q. Okay. Any contact with Mr. Woods about the
6 house in 2015?

7 A. No.

8 Q. Okay. And prior to the unfortunate
9 hailstorm, did you have any contact with Mr. Woods
10 about the house in 2016?

11 A. No.

12 Q. Bear with me. I have to ask these questions.
13 I know they're a bit tedious.

14 Would you mind turning to page PL 0037
15 in this document.

16 MR. LONGLEY: What's that again, James?
17 Excuse me.

18 MR. HUGHES: That's 0037.

19 Q. (BY MR. HUGHES) And would you mind reading
20 the title of this page, please.

21 A. "Important Customer Notice" from "the Farmers
22 Next Generation Homeowners Policy."

23 Q. Okay. Do you recall ever reading this page
24 or seeing this page before today?

25 A. No.

1 Q. Okay. And could you read to me the first
2 sentence of the third paragraph, and it's that largest
3 paragraph right there in the middle.

4 A. "You are encouraged to and should take the
5 time to review the terms and conditions of the Next
6 Generation policy."

7 Q. Okay. And you -- have you ever read that
8 sentence before today?

9 A. No.

10 Q. Okay. Thanks. Let me turn to the next page,
11 and that's PL 0038. Would you mind reading to me the
12 header at the top of this page.

13 A. "Summary Policy Comparison, Texas Family Home
14 Policy and" Texas "Next Generation Homeowners Policy."

15 Q. Okay. Would you mind reading for me the last
16 two sentences, and the first one I'm asking you to
17 read starts at the very end of the third line there
18 with "Please."

19 A. "Please review the policy and endorsements
20 for details. The policy contract takes precedence
21 over this summary comparison."

22 Q. And have you ever read those two sentences
23 before today?

24 A. No.

25 Q. Have you ever seen this document before

1 today?

2 A. No.

3 Q. Okay. For a moment I'd like to turn back to
4 page PL 0043 one more time, and again so the record is
5 clear what's the title of this document?

6 A. "Exclusion Of Marring Of Metal Roof
7 Materials."

8 Q. Okay. And I'm sorry I have to ask, but I
9 have to ask.

10 Do you understand what "marring of metal
11 roof materials" means?

12 A. I have no idea.

13 Q. Okay. A metal roof -- you understand what a
14 metal roof is, right?

15 A. Yes.

16 Q. Okay. And "marring" -- do you understand
17 what "marring" means?

18 A. Marking.

19 Q. And if you don't mind, just -- I hate to ask
20 you to be Merriam-Webster's, but if you don't mind
21 just tell me what you understand "marring" to mean.
22 If you had to explain it to a six-year-old, what does
23 it mean?

24 A. Like a visual mark left on the roof.

25 Q. So would you agree that's something that

1 alters the appearance of what is marred? If something
2 is marred, its appearance is altered?

3 A. I would say that's true.

4 Q. And, again, I'm sorry to ask -- I'm not
5 trying to be insulting -- but do you know what
6 "exclusion" means?

7 A. I do.

8 Q. Okay. And so what does "exclusion" mean?

9 A. It's not going to be covered.

10 Q. Okay. So with that in mind, do you
11 understand what "Exclusion Of Marring Of Metal Roof
12 Materials" means?

13 A. I could put that together, yeah.

14 Q. Okay. And it does mean what?

15 A. That your -- that something just having an
16 appearance of damage will not be covered.

17 Q. And could you read down to -- you can see
18 there's a number 14 and there's some bold type next to
19 it. Would you mind reading that for me.

20 A. "Exceptions to Uninsured types of damage."

21 Q. And could you read the line right before
22 that. Right -- excuse me. Right below that. I'm
23 very sorry. Strike that.

24 Read the line right below Line 14 where
25 it starts "However."

1 Q. Okay.

2 MR. LONGLEY: Are you going to start a
3 new document right now? We've been going an hour. I
4 just wanted to see if you needed a break for any
5 reason. Are you okay?

6 THE WITNESS: I'm good.

7 MR. LONGLEY: Okay.

8 MR. HUGHES: I'm actually getting there,
9 but by all means if you need a break, let me know.

10 THE WITNESS: I will let you know.

11 MR. HUGHES: Okay.

12 THE WITNESS: Thank you.

13 MR. LONGLEY: Thanks.

14 Q. (BY MR. HUGHES) All right. Mrs. Sideman,
15 I've asked you previously about whether you contacted
16 Mr. Woods about your house, and I believe we went
17 through 2013 until 2016 prior to the hail damage, and
18 you can't recall contacting Michael Woods about the
19 house in that timeframe?

20 A. Correct.

21 Q. Okay. And to be clear, did you contact any
22 other Farmers employee or agent or anyone else about
23 your home insurance during that timeframe?

24 A. I did not.

25 Q. Okay. Prior to 2013 -- and I'm trying to

1 avoid making you go back year by year by year -- can
2 you recall ever contacting Michael Woods about the
3 insurance on the house?

4 A. No.

5 Q. Okay. How did you -- how did you first
6 insure the house with Farmers?

7 A. I insured it through Michael Woods.

8 Q. Okay. And how did you contact him when you
9 did that?

10 A. I phoned him.

11 Q. Okay. And do you recall, as best you can,
12 what you told him or asked him to cover?

13 A. He came out to the house.

14 Q. Okay.

15 A. To cover the entire house. Insure our house
16 the way you insure a house.

17 Q. Okay.

18 A. Roof, flooding, any of that stuff.

19 Q. Okay. And as best you can recall, what
20 exactly did you tell him, if you can recall?

21 A. I just told him to write a policy that would
22 cover my house effectively.

23 Q. Okay. And did he give you -- did you guys
24 talk about the roof specifically at that time?

25 A. I'm not one to go into detail. He's the

1 expert --

2 Q. Sure.

3 A. -- he has our best interest in mind, and I
4 just expected him to do his job.

5 Q. Okay. And to be clear, before -- before the
6 hailstorm in April 2016, did you ever talk to
7 Michael Woods specifically about the roof, about
8 coverage for the roof?

9 A. I called him in 2010 when we put the new roof
10 on to let him know that we have put a new roof on our
11 house.

12 Q. Okay.

13 A. That was it.

14 Q. Okay. Did you tell him anything else at that
15 time?

16 A. Just that it was a metal roof.

17 Q. Okay. And just for the sake of completeness,
18 in 2010 or at any other time since the metal roof has
19 been on there, have you talked to anyone else at
20 Farmers about the metal roof?

21 A. No.

22 Q. Okay.

23 MR. HUGHES: Let's take a five-minute
24 break.

25 MR. LONGLEY: Sure.

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1 MR. HUGHES: 10-minute break. Whatever
2 you guys need.

3 (Recess.)

4 Q. (BY MR. HUGHES) Mrs. Sideman, thanks. I've
5 just got a couple more questions and I think we'll be
6 done with your deposition at least.

7 So have you talked to Michael Woods or
8 any other insurance agent or any other insurance
9 company or employee about getting a different policy
10 for your house since you filed -- well, since
11 April 11, 2016?

12 A. I have not.

13 Q. Okay. Have you priced other policies for
14 your house since --

15 A. I have not.

16 Q. Okay. And in your household, which of you
17 makes decisions about purchasing insurance?

18 A. (Indicating.)

19 Q. My wife does that too.

20 So you're the one who decides what
21 insurance policy or what insurance to get?

22 A. Yeah.

23 Q. Okay.

24 MR. HUGHES: I will pass the witness.

25 MR. LONGLEY: I think I just have one or

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1 two.

2 EXAMINATION

3 BY MR. LONGLEY:

4 Q. Mrs. Sideman, do you recall ever receiving a
5 different policy other than the one that you always
6 had up until the time of the storm?

7 A. I do not.

8 Q. Have you ever seen a different policy other
9 than the one that you purchased and that you thought
10 you had at the time of the storm?

11 A. I did -- I have not ever seen another policy.

12 Q. Okay. So as far as you knew, at the time of
13 the damage, you had the same policy that you had
14 always had for 20-something years through Michael
15 Woods, is that correct?

16 A. That is correct.

17 Q. Okay.

18 MR. LONGLEY: No questions.

19 MR. HUGHES: Okay. And I've got nothing
20 further. Thanks.

21 (Deposition concluded.)

22

23

24

25